IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Bail Appl..No. 7056 of 2006(P)

CRIME NO. 329 OF THE PAZHAYANGADI POLICE STATION

PETITIONER/2ND ACCUSED

PALLIVALAPPIL NOUSHAD,
PALLIVALAPPIL HOUSE, S/O.KOYAKUTTY.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING THE S.I. OF POLICE,
PAZHAYANGADI POLICE STATION, KANNUR.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7056 of 2006

DATED: 1st December 2006

O R D E R

Petitioner who is the 2nd accused in Crime No.329/2001 of Pazhayangadi Police Station for offences punishable under Secs. 366, 376(g), 506(i) read with 34 I.P.C. , seeks anticipatory bail. The occurrence took place on 23-10-2001. Due to the non-appearance of the petitioner before the committal court the case against him was split up and transferred to the L.P. Register as L.P. C. 28/04 before the J.F.C.M., Payyannur Admittedly, non-bailable warrants of arrest are pending against the petitioner. Such being the position, I am not inclined to grant anticipatory bail to the petitioner to nullify the process issued by a court of competent jurisdiction. It is for the petitioner to seek regular bail after surrendering before the concerned Magistrate's Court . Accordingly, if the petitioner surrenders before the magistrate court and files an application for regular bail within ten days from today, the same shall be considered and disposed of preferably on the same day on which it is filed after examining the explanation offered by the petitioner for his non-appearance and also

after considering his contention that the other accused have been acquitted by the Sessions Court in S.C. No. 246/04.

With the above observation this application is dismissed.

Sd/- **V.RAMKUMAR,**
JUDGE.

ani.

/true copy/

P.A. to Judge.